

Item# MCPB 05-22-08

MEMORANDUM

DATE:

May 8, 2008

TO:

Montgomery County Planning Board

VIA:

Rose Krasnow, Chief RA Robert A. Kronenberg, Supervisor

Development Review Division

FROM:

Sandra Pereira

Development Review Division sandra.pereira@mncppc-mc.org

(301) 495-2186

REVIEW TYPE:

Site Plan Review

CASE #:

820080120

PROJECT NAME:

W.J. Umsteads Addition to Kensington

APPLYING FOR:

A two-story addition, with a gross floor area of 1,800 square feet of office

space and a cellar space, to the existing building.

REVIEW BASIS:

Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE:

O-M

LOCATION:

4306 Howard Avenue, 225 feet north of Knowles Avenue

MASTER PLAN:

Kensington Sector Plan

APPLICANT:

Michael Dent

FILING DATE:

October 24, 2007

HEARING DATE:

May 8, 2008

STAFF RECOMMENDATION: Approval of a two-story addition, with a gross floor area of 1,800 square feet of office space and a cellar space, to the existing building, on 0.32 acres. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on March 3, 2008, shall be required except as modified by the following conditions:

Development Plan Conformance

The proposed development shall comply with the binding elements listed in the Zoning Map Amendment G-548 and associated Schematic Development Plan, or as amended by the Declaration of Covenants, I.D. #978612, Liber 8220, Folio 676 [Appendix A].

2. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan 119882570 as listed in the Planning Board Resolution dated February 16, 1989 [Appendix B] unless otherwise amended.

Landscaping

- a. Provide foundation plantings in the front of the building addition within the retaining wall area and along the new walkways.
- b. Adjust spacing of Willow Oaks (Quercus phellos) to approximately 40-foot on center.
- c. Replace some Japanese Hollies along the northern property edge with Inkberries (*Ilex glabra*).

4. <u>Lighting</u>

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for commercial development.
- b. All onsite light fixtures shall be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
- e. The height of the light poles shall not exceed 15 feet including the mounting base.

5. Transportation

The Applicant shall comply with the following condition of approval from M-NCPPC-Transportation Planning correspondence dated May 5, 2008 [Appendix C]: Prior to issuance of any building permit, the applicant must obtain approval from the reviewing agencies to complete an identified measure to mitigate one trip required for the Policy Area Mobility Review (PAMR) for this policy area.

6. Forest Conservation

The Applicant shall comply with the following condition of approval from M-NCPPC-Environmental Planning in the memorandum dated April 17, 2008 [Appendix D]: As a condition of the pre-construction meeting and prior to issuance of building permit, the bamboo stand on the subject property must be mechanically removed, including the grinding of roots to a minimum of 6" below the current soil line. The applicant must make every effort to contact the adjacent property owners to remove the bamboo by the same method, at the Applicant's expense. If the adjacent property owners agree to the removal of the bamboo, the work will be contracted through a provider and the work will proceed under the conditions of the contract, with the provider held responsible for any actions associated with

7. Stormwater Management

the said contract.

The proposed development is subject to Stormwater Management Concept approval conditions dated October 23, 2007, unless amended and approved by the Montgomery County Department of Permitting Services [Appendix E].

8. Development Program

The Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Street tree planting shall progress as the parking facility and access improvements are completed, but no later than six months after completion.
- b. Landscaping and onsite lighting associated with the parking lot and building shall be completed as construction of each facility is completed.
- c. Sidewalks shall be completed as construction of each facility is completed.
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- e. Phasing of dedications, stormwater management, sediment/erosion control, trip mitigation or other features.

9. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified site plan.

10. Certified Site Plan

Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:

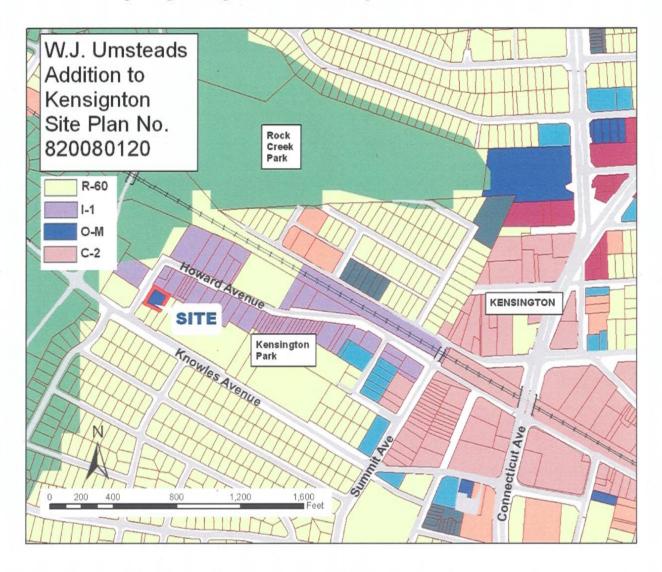
- a. Development program, inspection schedule, site plan index, and site plan resolution.
- b. Limits of disturbance.
- c. Detail of the proposed retaining wall to match existing wall.
- d. Detail of pervious pavement in new parking lot.

PROJECT DESCRIPTION:

Site Vicinity & Site Description

The subject site consists of 0.32 acres of O-M zoned land located on the east side of Howard Avenue, 150 feet north of Knowles Avenue in the town of Kensington.

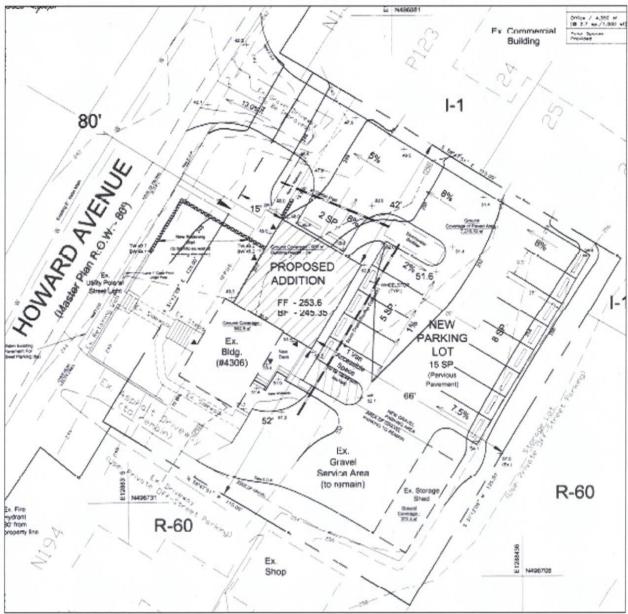
The adjacent property to the north and the confronting property to the west, across Howard Avenue, are both zoned I-1 and developed with industrial and commercial structures respectively. These properties are the terminus of the industrial/commercial district. Immediately adjacent to the south are three residences zoned R-60. The topography slopes up approximately 12 feet from the street to the eastern boundary. There is an existing house on the southern portion of the site and a parking/loading area on the northern portion of the site.



PROJECT DESCRIPTION:

Proposal

This application proposes to build a two-story addition, with a gross floor area of 1,800 square feet of office space and a cellar space, to an existing building. The resulting total gross floor area for the two buildings will be 3,450 square feet. The buildings will be centrally located on the lot and access to the site wraps around the back of the building. The existing asphalt driveway is maintained and an improved access point is provided on the northern property edge. A total of 15 parking spaces are provided in the rear of the building in a lot with pervious pavement.



Proposed site plan.

An existing concrete block retaining wall encroaches 14 feet within the Howard Avenue right-of-way, while accommodating the 9-foot elevation difference from the street to the existing house. The proposed addition will be sited adjacent to the existing building at the same elevation. Thus, the site plan proposes to extend the existing retaining wall in order to hold the grades and enclose the terraced area in the front of the two buildings. As a result, portions of the existing and proposed retaining walls are within the Howard Avenue right-of-way.

Staff of the Montgomery County Department of Permitting Services has recommended approval of these improvements within the Howard Avenue right-of-way [Appendix F]. However, a permit will be required for the improvements in the right-of-way that includes pavement widening, a driveway, retaining wall, and lead sidewalk. A Maintenance and Liability Agreement will be required for the "non-standard items," such as stairs and the retaining wall.





Existing retaining wall parallel to Howard Avenue and along the existing asphalt driveway.

PROJECT DESCRIPTION:

Prior Approvals

Zoning/ Schematic Development Plan

The subject property was rezoned from the R-60 zone to the O-M zone in the Zoning Application G-548.

Preliminary Plan

Preliminary Plan No. 119882570, with a Planning Board Resolution dated February 16, 1989, approved 6,667 square feet of commercial/office space.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (O-M Zone)

Development Standards	Zoning Ordinance Requirements O-M Zone	Binding Elements Zoning Case G-548 (a)	Proposed for Approval
Max. Lot Coverage (%)	60	25	14
Max. Building Height			
Stories	5	2	2 (b)
Height (ft)	60	24	24 (c)
Min. Green Area (%)	10	33	34.3
Max. Floor Area Ratio (FAR)	1.5	0.5	0.25
Min. Building Setbacks (ft.)			
Street right-of-way	15	15	15 (d)
Side (North I-1)	0	8-10	42
Rear (East R-60)	1 for each 3' building height	8	66 (e)
Side (South R-60)	1 for each 3' building height	50	52 (e)
Parking Setback (ft.)			20112.000
Adjoining residential zone	Equal to front, side, or rear of adjoining zone (f)	n/a	42 (g)
	Rear - 20		
Parking Spaces Office (3,450 SF)	9.3 (@ 2.7 sp./1000sf)	n/a	15

- (a) As amended by the Declaration of Covenants, I.D. #978612, Liber 8220, Folio 676.
- (b) Lower level of proposed addition meets definition of a "cellar" as defined in Section 59.A.2 of the Zoning Ordinance and is not considered a story.
- (c) As measured from the average front elevation of the finished grade along the front of the building to the mean height of the roof.
- (d) Only applies to proposed addition. MC-DPS has accepted that the existing structure encroaches into the front setback area in their correspondence dated May 6, 2008 [Appendix F].
- (e) Only applies to proposed addition.
- (f) Not applicable if adjoining an area used for public or private off-street parking.
- (g) Only applies to the proposed parking area.

ANALYSIS:

Conformance to Master Plan

The proposed addition is part of a development that adheres to the purpose clause of the O-M Zone; the office building and its addition will not have an adverse impact on the adjoining neighborhood, the majority of which is now made up of light industrial and institutional uses.

FINDINGS: For Site Plan Review

1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.

If amended in accordance with the recommended conditions, the proposed development is consistent with the approved Zoning Map Amendment G-548 and associated Schematic Development Plan in land use and density. The proposed development also is in conformance with the binding elements, as amended by the Declaration of Covenants, I.D. #978612, Liber 8220, Folio 676, as demonstrated in the Project Data Table on page 7.

2. The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the O-M zone as demonstrated in the Project Data Table on page 8.

- 3. The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.
 - a. Locations of buildings and structures

 The site plan proposes a two-story addition with a cellar space to the existing building. The addition is located to the north of the existing building and is setback 15 feet from the front property line. The addition has a ground coverage of 900 square feet which results in a gross floor area (GFA) of 1,800 square feet. Whereas the existing building has an approximate 9-foot drop between the front door and Howard Avenue, the addition provides at-grade access to Howard Avenue. Both buildings can also be accessed through the rear where the parking is located.

The proposed retaining wall in the front of the addition is built as an extension of the existing retaining wall in front of the existing building. Portions of the proposed and existing retaining walls are within the Howard Avenue right-of-way. However because of the grade differential across the lot towards the street, the retaining wall is needed and cannot be eliminated. The locations of buildings and structures are safe, adequate, and efficient.

b. Open Spaces
Rather than an open space requirement, this zone has a minimum 10 percent green space requirement. The plan proposes 4,725 square feet of green space, or 34.3

percent of the property, in front of the buildings and along the perimeter of the property.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade, evergreen and flowering trees along the perimeter of the property. Two new Leyland cypresses complement the existing row of Leyland cypresses along the southern property edge and reinforce the desired screening effect from the adjacent R-60 property. Willow oaks, 40-foot on center and interspersed with Japanese Hollies, frame the northern property edge. Some of the Japanese Hollies should be replaced with inkberries (*Ilex glabra*), in order to provide more hierarchy. Staff has required the bamboo stand on the eastern property edge to be mechanically removed, and to be replaced instead with native, non-invasive plant species that would create a similar screening effect. Foundation plantings are also required in the front of the building addition within the retaining wall area and along the new walkways. If amended in accordance with the recommended conditions, the planting plan is safe, adequate, and efficient.

The lighting plan consists of three different light fixtures mainly intended to illuminate the rear and sides of the property, where the parking lot is located. The two types of light fixtures used in the parking lot are identical except for the light distribution pattern; one is narrow while the other wide. One wall mounted light fixture is provided in the rear of the building addition. The front of the property takes advantage of the existing street light on Howard Avenue. The lighting plan is safe, adequate, and efficient.

d. Recreation Facilities

The development is not required to provide recreation facilities and amenities because it does not provide any residential units.

e. Vehicular and Pedestrian Circulation Systems

Two vehicular access points to the site exist off of Howard Avenue. These are proposed to be connected internally via the vehicular circulation system, which goes through an existing service area and the new parking lot with 15 spaces. The pervious pavement used in the new parking area reduces the amount of stormwater run-off and provides water quality control onsite. The northern access point, next to the I-1 property, will be improved to provide standard turning radii and wider access. The existing asphalt driveway, next to the R-60 property to the south, will remain unchanged. Because this driveway is relatively narrow, it is intended to be primarily a service drive, whereas the northern entrance will be the main access point to the site, intended to serve the general public use and with a two-way circulation.

Pedestrian access to the site is provided off Howard Avenue at two separate locations leading to the existing building and the proposed addition, respectively. These do not connect due to the drop in elevation, accommodated via a retaining

wall. Only the proposed addition has an at-grade connection to Howard Avenue. The existing building has an existing sidewalk and steps leading up to the building entrance and a sidewalk that wraps around the building to the rear, where a new walkway and deck provide access to the buildings' rear entrances. The site plan does not have an internally connected sidewalk system, however, due to the small scale of this development and the somewhat informal nature of the parking lot, it is acceptable for pedestrians to circulate through the parking area to access the building. The vehicular and pedestrian circulation systems are safe, adequate, and efficient.

4. Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.

The proposed addition is 24 feet in height, or 2 stories, while the maximum building height allowed in the O-M Zone is 60 feet, or 5 stories. The addition is compatible with the existing building in terms of height, architecture, and materials. The new building is setback from the property line well above the minimum requirements for this zone, which increases compatibility with the adjacent residential uses. The landscape areas along the perimeter of the parking lot, which include evergreens and shade trees, further buffer and screen the parking area from the adjacent uses, which also increases compatibility.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

There is no forest on-site and this property is exempt from submitting a Forest Conservation Plan. Environmental Planning Staff approved a Forest Conservation Exemption (42007224E) on April 26, 2007. A Tree Save Plan was not required to be submitted, as there are no large or specimen trees present. However, as part of the exemption, Environmental Planning Staff is requiring the removal of bamboo on the eastern property boundary. The site does not include any streams, wetlands, or floodplains, and there is no environmental buffer on the property.

The proposed stormwater management concept consists of on-site water quality control and recharge via Gravelpave2 and a flow through planter box (structural biofilter). Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

APPENDICES

- A. Declaration of Covenants, I.D. #978612, Liber 8220, Folio 676
- B. Planning Board Resolution for Preliminary Plan No. 119882570 dated February 16, 1989
- C. M-NCPPC- Transportation Planning correspondence dated May 5, 2008
- D. M-NCPPC-Environmental Planning memorandum dated April 17, 2008
- E. Stormwater Management Concept approval dated October 23, 2007
- F. MC-DPS, Right-of-way, correspondence dated May 6, 2008
- G. Various agency correspondence

Appendix A

I.D. # 978612

referred to as the "Land".

DECLARATION OF COVENANTS

by 4306 HOWARD AVENUE LIMITED PARTNERSHIP by GERALD S. GELFELD, General Partner, hereinafter referred to as "GRANTOR", the record owner of a certain parcel of property situate, lying and being in Montgomery County, Maryland, and known as Lot 21A, Re-subdivision of Lots of Unrecorded Plat of W. J. Umstead's Addition to Kensington, Plat Book 34, Plat 2254, and Parcel N186, Re-subdivision of B. H. Warner's Addition to Kensington, as recorded in the Land Records of Montgomery County, Maryland, in Liber 1384 at Folio 091, and being more particularly described in a metes

WITNESSETH:

WHEREAS, the GRANTOR is the applicant for a local map amendment in Montgomery County, Maryland, under the optional method of development, for the reclassification of the Land from the R-60 Zone to the O-M Zone in Zoning Application No G-548; and

WHEREAS, the GRANTOR desires to create a covenant which will restrict the use of said Land to the uses specified herein and to restrict the development standards of said Land to the Schematic Development Plan, submitted as a part of the said application for a local map amendment prepared by Dewberry & Davis, dated February 26, 1987; and

G54.8

WHEREAS, the said covenant is to run with the Land for the benefit of the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt of which is hereby acknowledged, the GRANTOR, on behalf of himself and his heirs, personal representatives, successors or assigns, hereby declares, covenants and agrees that in the event the GRANTOR'S application for a local map amendment for the reclassification of the said Land to the O-M Zone is granted and so long as the Land remains in the O-M zoning classification, that the real property (and all its part or subparts) described in Exhibit "A" which is attached hereto and incorporated herein shall be held, transferred, sold, conveyed and occupied subject to the conditions, covenants and restrictions hereinafter set forth:

1. The said Land will be restricted in its use to general offices as presently defined in Article 2-A-2.1 of the Montgomery County Zoning Ordinance, to wit:

"Office, general. An office for the use of (1) professional persons such as doctors, lawyers, accountants, etc., or (2) general business offices such as insurance companies, trade associations, manufacturing companies, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse, except as otherwise provided herein."

and other land uses listed in Division C-4.0 of the Zoning Ordinance, and signs in accordance with the provisions of Article 59-F of the Zoning Ordinance.

2. The said Land will be restricted to the development standards as set forth in the Schematic Development Plan prepared by Dewberry & Davis, dated February 26, 1987, and filed in the record as part of the Grantor's application for a local map amendment, as follows:

SCHEMATIC DEVELOPMENT PLAN BINDING ELEMENTS FOR O-M ZONE

DY DWDNING	PERMITTED/	DINDING ELEMENTO	
ELEMENTS	O-M ZONE	BINDING ELEMENTS BY THIS PLAN	
Building Coverage	60% maximum	25% maximum	
Floor Area Ratio (FAR)	1.5 maximum	0.5 maximum	
Building Height	5 stories maximum, 60' maximum	2 stories maximum, 24' maximum	
Building Setbacks Front (Street Right-			
Of-Way)	15' minimum	15' minimum	
Side (North) I-1	0'	8' - 10' minimum	
Rear (East) R-60	1' for each 3'	8' minimum	
	building height		
Production of the state of the	(required 8' minimum)		
Side (South) R-60	I' for each 3'	50' minimum	
	building height		
	(required 8' minimum)		
Green Area	10% minimum	33% minimum	
Parking	2.7 spaces/1,000	Number of spaces in	
	GSF of building	Number of spaces in accordance with Article 59-E	
Parking Setbacks			
From Street Right-			
Of Way	10' minimum	Setbacks in accordance	
Adjacent to I-I	4' minimum	with Article 59-E	
Adjacent to R-60	8' minimum		

and said Land shall be subject (1) to the provisions and requirements of Division 59-D-3 Site Plan, of the Montgomery County Zoning Ordinance and specifically to the provision of 59-D-3.1(a) which states:

"(a) If the land is classified in a zone that requires a development plan, the site plan shall be consistent with the approved development plan."

and (2) to all the provisions and requirements of Division 59-H-2.53(e) Optional Method.

- 3. The covenants and restrictions made hereunder shall run with the Land and be binding upon all parties claiming under or through the GRANTOR, his heirs, personal representatives, successors or assigns, so long as the Land shall be zoned in the O-M zoning classification and, at such time as the Land is rezoned to a different zoning classification, then, and in that event, the covenants and restrictions herein shall terminate and have no further force or effect.
- 4. The covenants and restrictions made hereunder are granted for the benefit of and shall be enforceable by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.
- 5. The covenants and restrictions shall be recorded among the Land Records of Montgomery County, Maryland, immediately following the grant of the O-M Zone zoning classification for the Land and the expiration of all rights or appeal of said grant of zoning and if the application for O-M zoning classification is denied, then this instrument and the covenants and restrictions made hereunder shall terminate and have no further force or effect.

LIBER 8 2 2 0 FOLIO 6 8 0

IN TESTIMONY WHEREOF the said GRANTOR has her	eunto set his hand and seal
this 5th day of October, 1987.	
4306 HOWARD AVENUE I	LIMITED PARTNERSHIP
Gerald S. Gelfeld, Genera	(SEAL)
STATE OF MARYLAND) to wit:	
COUNTY OF PRINCE GEORGE'S)	
I hereby certify that on this 5th day of October, 1987, be	efore the subscriber, a
Notary Public in and for the aforesaid County and State, pers	onally appeared GERALD S.
GELFELD, General Partner of 4306 HOWARD AVENUE LIMI	TED PARTNERSHIP,
personally well known to me (or satisfactorily proven) to be the	he person whose name is
subscribed to the within instrument, and he did acknowledge	the foregoing declaration to
be his act.	The state of the s
	19170
Ann X- Del	ency 1
Ann K. Delaney Notary Public	1011/
My commission expires: July 1, 1990	

LIBER 8 2 2 0 FOLIO 6 8 1

Dewberry & Davis



Architects Engineers Planners Surveyors

Contraction of the last of the

177 TETS MESSAGE

804 West Diamond Avenue Gaithersburg, MD 20877 301 948-8300

FEBRUARY 27, 1987

DESCRIPTION OF 4306 HOWARD AVENUE KENSINGTON, MARYLAND FOURTH (4TH) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

Being all the property conveyed by Adelaide L. Scrivener to 4306 Howard Avenue Limited Partnership by unrecorded deed, dated and executed on December 30, 1986, being part of the same property conveyed to Thomas F. and Adelaide L. Scrivener by deeds recorded in Liber 1236, at Folio 417 and in Liber 1384, at Folio 91, respectively dated March 8, 1949 and May 20, 1950 and recorded among the Montgomery County, Maryland Land Records, being more particularly described as follows:

Beginning at an iron pipe set in the ground on the southeast right-of-way line of Howard Avenue at the northeast corner of Lot 21-A of W.J. Umstead's addition to Kensington found recorded in Plat Book 34 as Plat 2254 among said Land Records; thence with the north side of said Lot along the face of a 12" Block wall and a line of division across Lots 17 and 18 of the Kensington subdivision

- 1) South 58° 47' 51" East, 125.00 feet to an iron pipe found set in the ground; thence with the common line of said Lot 17 and the Lands of Jose Salgado, recorded in Liber 6611, at Folio 342
- 2) South 31° 12' 09" West, 125.00 feet to an iron pipe set in the ground; thence recrossing said Lots 17 and 18 and with the south line of said Lot 21-A

LIBER 8 2 2 0 FOLIO 6 8 2

DESCRIPTION OF 4306 HOWARD AVENUE KENSINGTON, MARYLAND FOURTH (4TH) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND FEBRUARY 27, 1987 PAGE 2

- North 58° 47' 51" West, 125.00 feet to an iron pipe set in the ground 3) on the aforementioned southeast right-of-way for Howard Avenue; thence with said right-of-way
- North 31° 12' 09" East, 125.00 feet to the point of beginning, con-4) taining 15,625 square feet or 0.3587 acres of land, subject to conditions or record.

I hereby certify that the metes and bounds description contained herein is correct.

DEWBERRY & DAVIS

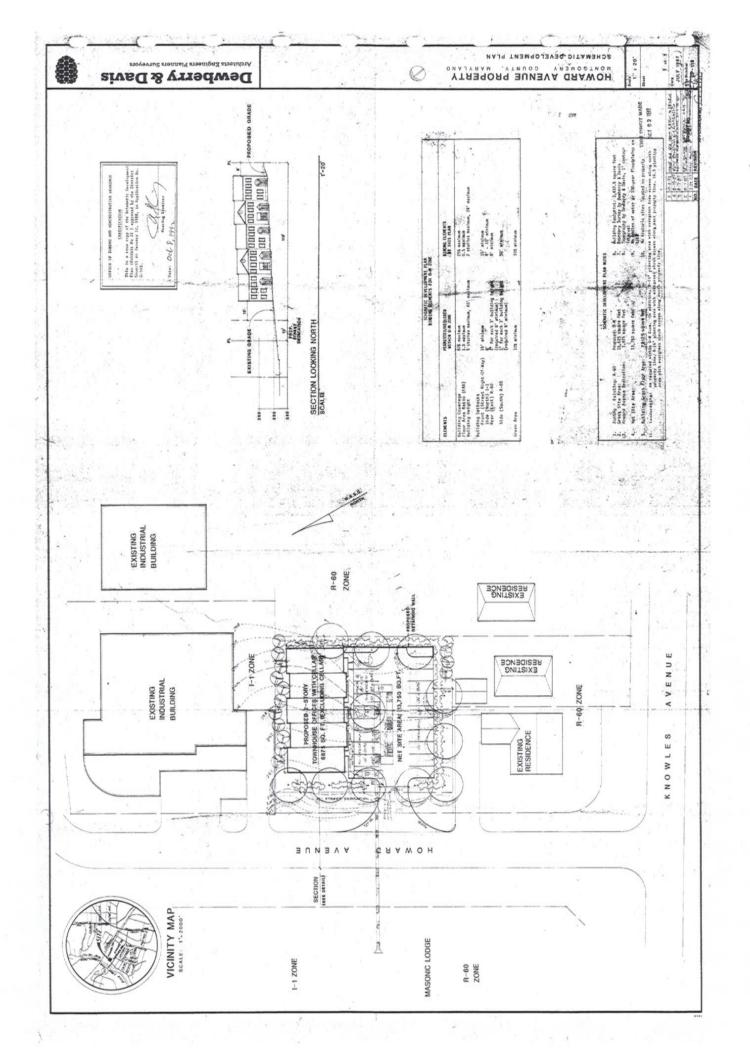
Day

Professional Land Surveyor

Maryland Registration No. 10771 ERIC DAL

63/rmb





Appendix B

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

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Action: Approved Staff Recommendation, (Motion of Comm. Keeney, seconded by Comm. Henry, with a vote of 4-0; Commissioners Keeney, Henry, Hewitt and Christeller voting in favor with Comm. Floreen being absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-88257
NAME OF PLAN: UMSTEAD'S ADD'N TO KENSINGTON

On 10-05-88, 4306 HOWARD AVE. LTD. PART, submitted an application for the approval of a preliminary plan of subdivision of property in the OM zone. The application proposed to create 1 lots on 15625.00 SQ FEET of land. The application was designated Preliminary Plan 1-88257. On 02-09-89, Preliminary Plan 1-88257 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-88257 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-88257, subject to the following conditions:

- Agreement with Planning Board limiting development to specific use generating fewer than 50 peak hour trips
- Dedication along Howard Avenue (80' right-of-way)
- Conditions of DEP stormwater management waiver
- No clearing, grading or recording of lot prior to site plan approval by MCPB
- 5. Necessary easements

Date of Mailing: February 16, 1989

Pereira, Sandra

From:

Etemadi, Shahriar

Sent:

Thursday, May 08, 2008 4:42 PM

To:

Pereira, Sandra

Subject:

RE: W.J. Umsteads Addtn. to Kensington (8-20080120)

Prior to issuance of any building permit, the applicant must obtain approval from the reviewing agencies to complete an identified measure to mitigate one trip required for the Policy Area Mobility Review (PAMR) for this policy area.

Shahriar Etemadi Transportation Supervisor Countywide Planning Division Maryland-National Capital Park & Planning Commission

8787 Georgia Avenue Silver Spring, MD 20910-3760

Tel: (301) 495-2168 Fax: (301) 494-1302

E-MAIL: shahriar.etemadi@mncppc-mc.org

Appendix D

MEMORANDUM

TO:

Sandra Pereira, Development Review

VIA:

Stephen Federline, Supervisor, Environmental Planning

FROM:

Amy Lindsey, Environmental Planning

DATE:

April 17, 2008

SUBJECT:

Site Plan 820080120

W.J. Ulmsteads Addition to Kensington

RECOMMENDATION: Approval subject to the following conditions:

1. As a condition of the pre-construction meeting and prior to issuance of building permit, the bamboo stand on the subject property must be mechanically removed, including the grinding of roots to a minimum of 6" below the current soil line. The applicant must make every effort to contact the adjacent property owners to remove the bamboo by the same method, at the Applicant's expense. If the adjacent property owners agree to the removal of the bamboo, the work will be contracted through a provider and the work will proceed under the conditions of the contract, with the provider held responsible for any actions associated with the said contract.

BACKGROUND

The 0.32-acre property is located on Howard Avenue in the Kensington Sector Plan area. The property is bounded by commercial and industrial uses to the north and residential uses to the south. The property is currently developed with one commercial building. This plan proposes to develop an addition and pave a parking lot to this property. Pervious pavement will be used for the parking lot. There is no forest onsite and no large or specimen trees present. No streams or wetlands are onsite, nor any environmental buffer. Environmental Planning staff approved a Forest Conservation Exemption (42007224E) on 4/26/2007. The property is within the Rock Creek watershed; a Use 1/1P watershed.

Forest Conservation

There is no forest on-site and this property is exempt from submitting a Forest Conservation Plan. A Tree Save Plan was not required to be submitted, as there are no large or specimen trees present

Environmental Buffers

The site does not include any streams, wetlands, or floodplains and there is no environmental buffer on the property.

Invasive Plant Materials

There is a large stand of bamboo along the property line in the southeast corner of the subject property. This stand should be removed, as invasive plant materials damage our natural resources by both altering natural processes and reducing the diversity of plant materials. While this stand of bamboo is not directly adjacent to a forest or other protected resource, it is less than 400' from a segment of Rock Creek Stream Valley Park. The bamboo is currently acting as a screen between this commercial property and surrounding residential uses. Native, non-invasive plants should be used to buffer these uses. Some examples of these plants include Viburnum dentatum (arrowood viburnum), Itea virginica (Virginia sweetspire), and Ilex verticillata (winterberry).

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To:3019480241

DPS LAND DEVELOPMENT

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DEPARTMENT OF PERMITTING SERVICES

Isiah Loggett County Executive

October 23, 2007

Carla Reid Joyner Director

Mr. Jon A. Shiancoe, P.E. JAS Engineering and Design, LLC 13911 Barrington Lane Upper Marlboro, MD 20772

Re:

Stormwater Management CONCEPT Request

for Dent Property

Preliminary Plan #: Pending

SM File #: 231936

Tract Size/Zone: 0.316 Ac./O-M Total Concept Area: 0.315 Ac.

Lots/Block: 125

Watershed: Lower Rock creek

Dear Mr. Shlancoe:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is acceptable. The stormwater management concept consists of on-site water quality control and recharge via Gravelpave2 and a flow through planter box (structural biofilter). Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following Items will need to be addressed during the detailed sediment control/stormwater management plan stage:

- 1. Prior to permanent vegetative stabilization, all disturbed areas must be topsolled per the latest Montgomery County Standards and Specifications for Topsoiling.
- 2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
- 3. An engineered sediment control plan must be submitted for this development.
- 4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
- The existing gravel lot needs to be replaced with the Gravelpave2.
- Stormwater management easements are required for the biofilter and the Gravelpave2.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Essement, the Public Improvement Essement, and the Public Right of Way

1 995 . -

DPS LAND DEVELOPMENT

2407776339 10/23/2007 10:02

> unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6322.

> Richard R. Brush, Manager Water Resources Section

Division of Land Development Services

RRB:dm CN231938 Dent Property.DWK

œ:

C. Conlon 8. Federline

SM File # 231938

QN -Onsite; QL - Onelte; Acres: 0.316 Acres: 0.316

Recharge is provided

Appendix F

Pereira, Sandra

From:

Navid, Sarah [Sarah.Navid@montgomerycountymd.gov]

Sent:

Tuesday, May 06, 2008 1:08 PM

To:

Pereira, Sandra

Cc:

benninglandplan@aol.com

Subject:

RE: W.J. Umsteads' Addition to Kensington / #8-20080120 - Request for Site Meeting

Sandra,

I have reviewed the revised site plan and recommend approval. A permit will be required for the improvements in the right of way (pavement widening, driveway, retaining wall, lead sidewalk) and a Maintenance and Liability Agreement will be required for the "non-standard items" (stairs and retaining wall).

Sarah Navid

Department of Permitting Services 255 Rockville Pike, 2nd floor Rockville, MD 20852 t 240-777-6304

----Original Message----

From: Pereira, Sandra [mailto:Sandra.Pereira@mncppc-mc.org]

Sent: Tuesday, May 06, 2008 10:34 AM

To: Navid, Sarah

Cc: benninglandplan@aol.com

Subject: RE: W.J. Umsteads' Addition to Kensington / #8-20080120 - Request for Site Meeting

Sarah.

Do you have any comments on the revised site plan for W.J. Umsteads' Addition to Kensington? I'll need something in writing to follow-up on your email from Jan 9, 2008 (see below). Please let me know your timeframe to send comments, so that I can confirm the PB date. At the moment, we're scheduled for May 22, which means that the Staff Report needs to be done this Thursday. This doesn't leave us much time, so let's coordinate on what's realistic.

Thanks, Sandra

Sandra Pereira

Senior Planner

M-NCPPC Montgomery County Planning Department **Development Review Division** 8787 Georgia Avenue, Silver Spring, MD 20910 **phone** (301) 495-2186 :: **fax** (301) 495-1306 **sandra.pereira@mncppc-mc.org**

From: benninglandplan@aol.com [mailto:benninglandplan@aol.com]

Sent: Tuesday, May 06, 2008 8:57 AM

To: Pereira, Sandra

Subject: Re: W.J. Umsteads' Addition to Kensington / #8-20080120 - Request for Site Meeting

Sandra,

Yes, the revised plans submitted to you were also submitted to Sarah. I have not heard from her since.

Thanks, Dave

David W. McKee

Benning & Associates, Inc. Land Planning Consultants 8933 Shady Grove Court Gaithersburg, MD 20877 (301)948-0240 (301)948-0241 fax benninglandplan@aol.com

----Original Message----

From: Pereira, Sandra <Sandra.Pereira@mncppc-mc.org>

To: benninglandplan@aol.com Sent: Tue, 6 May 2008 7:34 am

Subject: FW: W.J. Umsteads' Addition to Kensington / #8-20080120 - Request for Site Meeting

David,

Has Sarah Navid seen the revised site plan? Her email below indicates that she still needed to see the revised plan. Please let me know.

Thanks, Sandra

Sandra Pereira

Senior Planner

M-NCPPC Montgomery County Planning Department **Development Review Division**8787 Georgia Avenue, Silver Spring, MD 20910 **phone** (301) 495-2186 :: **fax** (301) 495-1306 **sandra.pereira@mncppc-mc.org**

From: Navid, Sarah [mailto:Sarah.Navid@montgomerycountymd.gov]

Sent: Wednesday, January 09, 2008 2:19 PM

To: Pereira, Sandra; benninglandplan@aol.com; Paine, David

Cc: mgd@mgddesignbuild.com; Etemadi, Shahriar; Cheung, Joseph

Subject: RE: W.J. Umsteads' Addition to Kensington / #8-20080120 - Request for Site Meeting

Sandra and Dave and Michael.

Per our meeting this morning, I spoke with DPS building construction review staff. They will not require a building permit for the new portion of retaining wall if it is 48 inches or less as measured from the bottom of the wall. Also unless the existing retaining wall is in danger of failure and would create a safety issue, they would not require it to be rebuilt. So I think you are OK with the existing wall. As I pointed out, you will still need a permit for any new work to be done within the right of way – widening, grading, wall, trees etc. Also we would be looking for a Maintenance and Liability Agreement at permit time for the retaining wall and steps in the ROW. A sample copy is on the DPS website. I'll reserve any other comments until I see the revised site plan.

Sarah Navid

Department of Permitting Services 255 Rockville Pike, 2nd floor Rockville, MD 20852 t 240-777-6304

Appendix G



FIRE MARSHAL COMMENTS

DATE:

APRIL 29, 2008

TO:

DAVID MCKEE, BENNING & ASSOCIATES

FROM:

MARIE LABAW

RE:

W.J. UMSTEADS ADDTN. TO KENSINGTON 820080120

PLAN APPROVED.

- 1. Review based only upon information contained on the plan submitted <u>04-29-08</u>. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- 2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Department of Permitting Services

MNCPPC-MC

cc:

May 6, 2008

MEMORANDUM

To:

Sandra Pereira

Development Review Division

From:

Frederick Vernon Boyd

Community-Based Planning Division

Subject:

Site Plan 820080120, W. J. Umstead's Addition to Kensington

We have reviewed the revised drawings submitted by the applicant, as well as the letter outlining certain revisions made to the certified Schematic Development Plan at the time of its original approval. It is apparent that binding elements for parking spaces and parking setbacks were not part of the approved Schematic Development Plan.

In general, the Division concludes that the proposed addition is part of a development that adheres to the purpose clause of the O-M Zone; the office building and its addition will not have an adverse impact on the adjoining neighborhood, the majority of which is now made up of light industrial and institutional uses.

We note that the property is adjacent to an occupied one-family house on the south and that the landscape plan shows a screen of Leyland Cypress trees. We support efforts to maintain that screen as a condition of the site plan's approval. There is a one-family house immediately to the east as well, so we suggest conditions for some kind of screen along that property line as well.